UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, v. **TJ WEB PRODUCTIONS LLC,** a Nevada limited liability company, Defendant.	)	Case No. CV-S-05-0882-RLH-(GWF)

United States' Request Regarding Attendance at the Court-Ordered Settlement Conference

A Court-ordered Settlement Conference ("Conference") is scheduled in this case for June 26, 2006, before United States Magistrate Judge George Foley, Jr. The government is prepared to engage in meaningful settlement talks at the Conference on June 26.

The government is aware that the Order Scheduling a Settlement Conference states that "[i]n the case of non-individual parties, counsel of record shall arrange for an officer or representative with binding authority to settle this matter" to be present. As the Court may be aware, the Department of Justice brought this action on behalf of the Federal Trade Commission ("FTC" or "Commission"). The decisions of the FTC are made collectively by five Commissioners. Only the Commissioners have "binding authority" to settle any case brought on the Commission's behalf, and meetings of the Commissioners are governed by the Government in the Sunshine Act, 5 U.S.C. § 552b. Thus, no individual exists who has binding settlement authority. As a consequence, in cases as this in which court orders require personal attendance by someone with full settlement authority, the FTC sends an official from the Commission who is familiar with Commission policies and can speak authoritatively regarding Commission practice and policy regarding settlement of the case in question.

The government can confirm that the United States will participate in person through the lead attorney from the Department of Justice (the undersigned) and through either the FTC's Bureau of Consumer Protection's Associate Director for Marketing Practices, or her Assistant Director. The government respectfully asks the Court, given the nature of the Commission, to enter the attached Order noting the government's compliance with the Settlement Conference Order in this matter.

FOR PLAINTIFF:

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DATED: June 16, 2006

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UNITED STATES OF AMERICA

Order

Given the nature of the Federal Trade Commission ("Commission"), and the fact that no single individual has binding settlement authority, the Court hereby orders that the government is in compliance with the Court's Settlement Conference Order by sending an official from the Commission who is familiar with Commission policies and can speak authoritatively regarding Commission practice and policy regarding settlement of United States v. TJ Web Productions, LLC, No. CV-S-05-0882-RLH-(GWF).

IT IS SO ORDERED:

GEORGE FOLEY, JR.
United States Magistrate Judge

DATED: June 21, 2006

Certificate of Service

I hereby certify that the aforementioned "United States' Request Regarding Attendance at the Court-Ordered Settlement Conference," was sent via this Court's Electronic Filing System on June 16, 2006, to:

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